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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,736	10/31/2001	Christophe De Vleeschouwer	IMEC227.001AUS	2689
29995 7590 04/15/2009 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER CZEKAJ, DAVID J				
ART UNIT 2621		PAPER NUMBER		
NOTIFICATION DATE 04/15/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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**Office Action Summary****Application No.**

10/001,736

**Applicant(s)**VLEESCHOUWER, CHRISTOPHE  
DE**Examiner**

DAVID CZEKAJ

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-7,9-20 and 22-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37,38,59 and 60 is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-20, 22-26, 28-36, and 39-58 is/are rejected.
- 7) ☒ Claim(s) 10,27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| <p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br/>Paper No(s)/Mail Date _____</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/>Paper No(s)/Mail Date _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6) <input type="checkbox"/> Other: _____</p> |
|--|---|

## **DETAILED ACTION**

### ***Response to Arguments***

On page 20, applicant argues that Chan fails to disclose at least one coding parameter based upon characteristic indicative of an energy content of the first part of the current frame being determined by prediction without using the first sub encoded block. While the applicant's points are understood, the examiner respectfully disagrees. See for example Chan, column 5, lines 48-54. There Chan discloses computing a characteristic V which is the sum of the error energy values. This value is obtained by using the predicted block and the original block. By using the predicted and original block, Chan is not using the sub-encoded blocks of the current frame. Therefore the rejection has been maintained.

On pages 20-21, applicant argues that Kim fails to disclose computing the characteristic identifies the time elapsed between the current and reference frames. While the applicant's points are understood, the examiner respectfully disagrees. See for example Kim column 4, lines 51-60. There Kim discloses calculating a reference quantization parameter based on the bit rate and picture rate. By knowing the picture rate and bit rate, Kim can calculate the time between frames. Furthermore, the picture rate and bit rate can also indicate the time between frames. Therefore the rejection has been maintained.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2, 4, 6-7, 11-12, 16, 19-20, 22, 24-26, 28-31, 33, 36, and 39-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (5777680) in view of Chan et al. (5812197), (hereinafter referred to as "Chan") in further view of Bist et al. (6043844), (hereinafter referred to as "Bist").

As for claims 1 and 2 Kim teaches of dividing the part of the current frame into blocks (Kim: Column 6, Lines 43-45); performing a first sub-encoding on a first block or set of blocks (Kim: figure 1, column 6, lines 40-49. Note: first sub-encoding involves the DPCM, MC, and controller); performing a second sub-encoding on the first sub-encoded block or at least one block of the first set of blocks, the second sub-encoding adapting at least one encoding parameter based upon a quantity of the first sub-encoded part of the current frame, the quantity being determined by prediction at least in part from of the frames of the sequence only those frames that are a reference frame (Kim: figure 1, column 6, lines 49-64. Note: second sub-encoding process involves the DCT and Q blocks); and performing the first sub-encoding and the second sub-encoding on another block or set of blocks of the part of the current frame (Kim: figures 1-2. Note: the process is continuous) and determining the time elapsed between the current and reference frame (Kim: column 4, lines 51-60). However, Kim fails to disclose the second sub encoding having a characteristic indicative of an energy content as claimed. Chan teaches that prior art processing systems may output images with degraded image quality (Chan: column 2, lines 6-26). To help alleviate this

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problem, Chan discloses an apparatus comprising a characteristic indicative of an energy content, the characteristic being determined by prediction without using the first sub-encoded block (Chan: column 5, lines 48-54, wherein the energy is calculated using the original and predicted blocks. Therefore the current frame is not used). Bist teaches "a characteristic indicative of an energy content, the characteristic being determined without using the set of blocks of the current frame (Bist: column 6, lines 37-46, wherein the characteristic is the associated predicted energy. Since the value is predicted, the value is determined without using any blocks of the current frame). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Kim and add the energy calculations taught by Chan and Bist in order to obtain an apparatus that helps improve the quality of an image.

As for claims 4, 26, and 31, Kim teaches of the encoded frames are transmitted over a transmission channel and wherein the adaptive encoding method compensates for channel bandwidth limitations and adapts the second sub-encoding parameters based at least in part upon the quantity (Kim: column 7, lines 24-42. Note: the buffer controls the transmission of the data to the decoder as is well known in the art, the fullness of the buffer is fed to the control which takes it into account when calculating the quantization parameter).

As for claims 6 and 24, Kim teaches of the second sub-encoding is selected from the group comprising: wavelet encoding, quadtree or binary tree coding, DCT coding

and matching pursuits coding (Kim: figure 1, column 6, lines 40-64. Note: DCT coding is used).

As for claims 7, 11-12, 16, 19-20, 25, 28-30, 33, and 36, most of the limitations of the claims are contained in the above rejection of claim 1. Kim teaches of dividing the reference frame into blocks and labeling the blocks of the reference frame in accordance with the performance of a first sub-encoding that is applied to the reference frame (Kim: column 7, lines 1-21. Note: after the reference frame goes through the MC the frame is labeled by the control in DPCM block); computing a quantity based on the labeling of the blocks and from the frames of the sequence only those frames that are a reference frame (Kim: Column 4, Lines 30-67 and Column 5, Lines 1-38).

As for claim 22, Kim teaches of computing of the quantity identifies the time elapsed between the current frame and the reference frame or frames (Kim: column 4, lines 51-60. Note: the quantization parameter calculated from parameters obtained from the first encoding step is directly reliant on the picture rate (i.e. frame rate) and therefore this would give the time between frames).

As for claims 39-58, Chan discloses the characteristic is determined prior to buffering the current frame (Chan: figures 5-6, wherein the characteristic is determined without the use of a buffer).

3. Claims 13-15, 17-18, 32, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US 5,777,680) in view of Chan et al. (5812197), (hereinafter referred to as "Chan") in further view of Bist et al. (6043844), (hereinafter referred to as "Bist") in further view of Sun (US 5,969,764).

As for claims 15, 18, 32, and 35, most of the limitations of the claims are contained in the above rejection of claims 1 and 7. Kim in view of Chan in view of Bist do not explicitly teach of deciding based on the computed quantity to perform or skip encoding the current frame, however, Sun does (Sun: column 8, lines 51-62. Note: as disclosed in Sun, it is well known in the art that skipping a frame or increasing quantization levels are equivalent). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have the option of using the computed quantity or skipping the current frame. By skipping the current frame the coder can allow the transmitted stream to “catch up” to the coder without using any bits or allowing the coarseness to become to larger.

As for claims 13, 17, and 34, most of the limitations of the claims are contained in the above rejection of claim 15. Kim does not explicitly teach of the decision step deciding whether the two step encoding method is to be applied to the current frame or not, however, Sun does (Sun: column 8, lines 51-62. Note: the deciding step being whether or not to skip the frame). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the option of using the computed quantity or skipping the current frame. By skipping the current frame the coder can allow the transmitted stream to “catch up” to the coder without using any bits or allowing the coarseness to become to larger.

As for claim 14, most of the limitations of the claims are contained in the above rejection of claim 13. Kim teaches of the encoded frames are transmitted over a transmission channel and wherein the adaptive encoding method compensates for

channel bandwidth limitations and adapts the second sub-encoding parameters based at least in part upon the quantity (Kim: column 7, lines 24-42. Note: the buffer controls the transmission of the data to the decoder as is well known in the art, the fullness of the buffer is fed to the control which takes it into account when calculating the quantization parameter).

4. Claims 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (5777680) in view of Chan et al. (5812197), (hereinafter referred to as "Chan") in further view of Bist et al. (6043844), (hereinafter referred to as "Bist") in further view of Lee (6023296).

As for claims 5 and 23, most of the limitations of the claim are contained in the above rejection of claims 1 and 20. Kim does not explicitly teach of performing transformation parameter estimation of a block with respect to the reference frame; thereafter performing transformation compensation on the block; and thereafter determining the error block, however, Lee does (Lee: column 3, lines 39-67, column 4, lines 1-7. Note: the motion estimation is put before the motion compensation in order to improve efficiency of the motion compensator and the subtractor will give the error signal). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to add the motion estimator in order to improve the efficiency of the motion compensator.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (5777680) in view of Chan et al. (5812197), (hereinafter referred to as "Chan") in further



view of Bist et al. (6043844), (hereinafter referred to as "Bist") in further view of Krause (5093720).

As for claim 9, most of the limitations of the claim are contained in the above rejection of claim 7. Although Kim does not explicitly teach of comparing the motion vectors to determine the labeling, it is considered well known in the art to do so (See Krause Column 4, Lines 9-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to compare the motion vectors because the motion vectors would already be readily available from the motion estimation processes and therefore would be computationally friendly.

***Allowable Subject Matter***

6. Claims 37-38 and 59-60 are allowed.
7. Claims 10 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID CZEKAJ whose telephone number is (571)272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Dave Czekaj/

Primary Examiner, Art Unit 2621